



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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VIACOM INTERNATIONAL, INC., COMEDY
PARTNERS, COUNTY MUSIC
TELEVISION, INC., PARAMOUNT
PICTURES CORPORATION, and BLACK
ENTERTAINMENT TELEVISION, LLC,

Plaintiffs,

vs.

No. 07-CV-2203

YOUTUBE, INC., YOUTUBE, LLC,
and GOOGLE, INC.,

Defendants.

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THE FOOTBALL ASSOCIATION PREMIER
LEAGUE LIMITED, BOURNE CO., et al.,
on behalf of themselves and
all others similarly situated,

Plaintiffs,

vs.

No. 07-CV-3582

YOUTUBE, INC., YOUTUBE, LLC,
and GOOGLE, INC.,
Defendants.
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HIGHLY CONFIDENTIAL

VIDEOTAPED DEPOSITION OF ZAHAVAH LEVINE
SAN FRANCISCO, CALIFORNIA

THURSDAY, APRIL 2, 2009

BY: KATHERINE E. LAUSTER, CSR 1894, RPR, CRR, CLR
Job No. 16721

1 LEVINE 88-0002

2 got --

3 Q. Uh-huh.

4 A. -- was much less than the market share
5 that they purported to represent.

6 Q. Okay. Thank you for clarifying that.

7 Do you recall what proportion of the
8 market they purported -- they, Harry Fox --
9 purported to represent at that time?

10 A. Not exactly.

11 Q. Ballpark. Approximately.

12 A. Somewhere between 65 and 75 percent maybe.

13 Q. Okay. And are you aware of what Harry
14 Fox -- what proportion of the market Harry Fox
15 purports to represent today?

16 A. For what purpose?

17 Q. For clearance of publishing rights in the
18 manner you described a moment ago.

19 A. So I think it depends on the context,
20 because Harry Fox represents different publishers
21 for different kinds of licensing. So, for example,
22 they may have a different market share for licensing
23 downloads --

24 Q. Uh-huh.

25 A. -- than they do for audio only streaming,